

Minutes
STATE SOIL CONSERVATION BOARD MEETING
9:00 a.m. Tuesday, April 10, 2007
ISDA-101 W. Ohio St., Suite 1200
Indianapolis, IN 46204

SSCB Attendance

Bob Eddleman
Nola Gentry
Jim Cherry
Warren Baird
Bill Mann
Gary Conant

Absent

Larry Clemens

Audience

Scheryl Vaughn, Boone SWCD
Jim Droege, IASWCD
Robert Woodling, Monroe SWCD
Jill Reinhart, NRCS
Jennifer Boyle, IASWCD
Crist Blassaras, ISWCD Foundation-Madison SWCD
Tammy Lawson, ISDA
Cris Goode, ISDA
Mary Lou Renshaw, IDEM

- I. **9:00 AM: Call to Order**
- II. **Draft Minutes of March 2007**

Nola Gentry moved to approve the minutes as presented. Warren Baird seconded and the motion carried.

III. **Leadership Development:**

A. Supervisor Resignations/Appointments-
Cris Goode reported there were no resignations or appointments to report.

B. District Requests

CWI Alterations and Extensions

Tammy Lawson presented the following District Requests to the board for approval: (Letters can be found at:<http://www.in.gov/isda/soil/sscb/board/april07/index.html>)

Delaware 105 & Hancock 102 Regional Technician Grants. These districts request to amend their contracts to fit the timeline of hire. The amendment would adjust the first year and years two and three would follow. The contracts would be amended for the full three years. The annual 75%-25% payment schedule will remain the same.

Gentry moved to adjust the grants as presented. Bill Mann seconded and the motion carried.

Ripley 407, Clay 418 & 304, White 420. These Districts request extensions to finish their final paperwork. They may not be aware that their contracts state that they have 60 days after April 30 to get all final paperwork in.

Baird moved that DSC contact these Districts to make them aware of the 60 days. If they still would like an extension, the SSCB grants Tammy Lawson the authority to process their paperwork as approved. Gary Conant seconded and the motion carried.

Allen 301-This district requests an extension to amend the contract to fit the timeline of hire.

Gentry moved to accept the request as presented. Jim Cherry seconded and the motion carried.

Delaware 401 CREP Marketing Grant. This District requests an extension to coordinate with the Federal program deadlines.

Mann moved to accept the request as presented. Gentry seconded and the motion carried.

Hendricks CREP Marketing 405. This District requests an extension to coordinate with the Federal program deadlines as well.

Gentry moved to accept the request as presented. Conant seconded and the motion carried.

Jay 416. The District requests an extension to complete the project. There may have been some confusion over how to submit the final report in order to receive the final 25% payment.

Mann moved to accept the request as presented. Gentry seconded and the motion carried.

LaPorte 413. The District requests an extension due to staffing changes and the delay in initial payment.

Gentry moved to accept the request as presented. Cherry seconded and the motion carried.

Posey 306 . The District requests an extension due to the initial delay and weather conditions.

Mann moved to accept the request as presented. Conant seconded and the motion carried.

Sullivan 423. The District requests an extension due to the delay in hiring technicians. They report that the interest in the program is good.

Gentry moved to accept the extension as requested. Baird seconded and the motion carried.

Warrick 421. The District requests an extension due to the weather conditions.

Baird moved to accept the extension as requested. Mann seconded and the motion carried.

IASWCD-District Visits. IASWCD requests an extension due to the initial delay and a lack of understanding of reimbursement procedures by districts. The program has expended \$605 so far. Participates used to cover these expenses on their own, so there may be a lack of understanding in reimbursement availability and/or a delay in response. District Visits team leaders need to place this on the visits agenda. IASWCD requests that the SSCB extend this contract until the end of year and then the program will transition into the new payment procedure through ISDA. Any unused funds will roll back into the CWI program. DSSs are available to work with visits program to make sure participants get in their paperwork.

Baird moved to accept the request as presented. Gentry seconded and the motion carried.

Ohio 409. This District is requesting an extension due to staffing difficulties. They have been behind on their reporting paperwork, but are now caught up. They have contracted a new employee.

Gentry moved to accept the request with the reservation that it may be revoked in the future if their quarterlies are not filed in a timely manner. Cherry seconded and the motion carried.

Alterations

Gibson 07 -418 This District is requesting to alter its original proposal to account for changes in pricing on specific line items. Discussion followed. The SSCB determined they needed a more complete altered budget after the purchase of the copier to make their decision. The SSCB

applauded smart buying and good planning. This type of stewardship allows funds to revert back to the CWI account and provide for more grant opportunities. P

Conant moved to table this request to obtain further information. Baird seconded and the motion carried.

Scott 406. The District would like to alter their contract to reallocate left over funds to purchase a digital camera. They have also requested an extension to allow them time to purchase the camera. Discussion followed. The SSCB recognizes the importance of a digital camera, but do not want to set precedence in altering contracts to spend down left over funds. Once again the SSCB applauds stewardship of the CWI funds. However, the board feels left over project funds should revert back to the CWI coffers to fund more future proposals.

Gentry moves to deny the alteration request and therefore the need for an extension. Conant seconds and the motion carried.

C. Leadership Development Workgroup Update

Gentry reported the Workgroup had a conference call the next day. No update since last meeting. Group still feels it has a need for staff member. Gentry thought more discussion on this will follow at the next ICP leaders meeting

D. District Support/Updates

Lawson reported that DSC has posted NW DSS position. DSC had entertained working with TNC at least during interim.

Two District Visits occurred recently: Clark and Whitely. All DSS staff are trained to participate. DSC RSs used to participate, however due to the backlog of work the RS staff are no longer available to participate in this program. Ray Chattin has written letter to DSC to request to change that policy. DSC struggles with this decision as technical staff not in every office. All DSSs do participate. DSC still has this matter under consideration. DSC has received feedback that District Visits team members feel that they may be bringing back as much important learning opportunities as those who participate in the program. IASWCD concurred they had received similar feedback.

The SSCB discussed how they might become involved in the future and the possibility of being trained to participate. Lawson suggested she speak with the DSSs about a potential future role for the SSCB. She also mentioned that this program works very well with the objectives of the SWCD Capacity Sub-Committee

Annual meetings are complete

Central Office staff recently held a retreat to go over the current election process. The group found ways to make the system more efficient. A report will be pulled together.

An example of an efficiency gained is that the \$10 k matching funds will be sent out before July 1st.

DSC is planning meeting on the 19th with the IRS/SBOA and DSSs. meeting on the 19th. The IRS is worried about the need for SWCD supervisors to be treated as employees. 1099s are not required. DSSs will learn how to help districts meet all clarified requirements. Updated software may also assist. Discussion followed.

IV. Delivery System:

A. Delivery System Workgroup Update

Lawson reported that ISDA and NRCS are working on CIT and ICP protocol.

V. Funding

- A. CREP Update-Written Report Attached. DSC has an upcoming meeting with FSA to discuss the future CREP. DSC has also been working on a promotional DVD for CREP due out mid-summer.
- B. Clean Water Indiana Grants – Nothing further to report.
- C. Funding Workgroup Update- The House passed a \$2.5 million increase for CWI , but Senate pulled all of the increase except for \$500 k. The final decision will be made in conference committee.

VI. Accountability:

- A. Accountability Workgroup Update-no further update

VII. Technology:

- A. Technology Workgroup Update-no further update

VIII. Outreach:

- A. Outreach Workgroup Update- Goode reported the workgroup was working on an Stewardship Week event with details to follow soon.

IX. SSCB Chairman's Report- Bob Eddleman

Eddelman informed the board he received four letters to the SSCB. (Attached)

A. Sub-Committee Reports

- 1. Eddleman reported that the Executive Committee met with Lawson to begin to look at ways DSC and SSCB could work together.
- 2. Mann reported that the CWI Grants Committee met two weeks ago with the DSSs to gather input regarding the program. The committee is kicking around some new ideas that depend on the upcoming funding structure. DSSs presented reports of CWI input they had received. The feedback process is currently an Informal process. The Committee is looking at making this more formal.
- 3. Eddleman reported the District Capacity Committee will meet on 20th at 1pm IDEM will join at 2pm.

B. SSCB Discussions

- 1. 2007 Meeting Schedule

The SSCB has set its schedule to meet during the following months:

January, March, June, August, September and November

September's meeting will be reserved for CWI Grant review.

During the spring and summer, three meetings will be held in the field.

X. ISDA Report-Tammy Lawson-no report

XI. DNR Report-Gary Langell-no report

XII. IDEM Report-MaryLou Renshaw – written report

XIII. Purdue Report-Gary Steinhardt-no report

XIV. IASWCD President's Report- Jim Droege-written report

XV. NRCS State Conservationist's Report-Jane Hardisty-written report

XVI. Farm Services Agency Report-Doug Hovermale-no report

XVII. SWCD Foundation Report-Crist Blassaras

2007 was a big year of change for the SWCD Foundation. Three of the five board of directors resigned. This gave the foundation the opportunity to dramatically diversify the new board. They have gone outside traditional partners and added a Ball State professor and Prairie Farmer editor.

Currently only 53 districts have endowments and only 4 have endowments above 10k. Networking skills are needed. The foundation needs to find supervisors in each county to help them help Districts.

The foundation is focused on building long term financial solutions for 5 to 15 years out. Their goal is to work with County foundations.

XVIII. Public Comment

Baird commented that he wanted to clarify that the SSCB planned to allocate up to \$1500 of CWI funds to bring the Soil Adventure Mobile (SAM) to the state fair. The previous motion was recorded in the November 06 minutes. Jill Reinhart reported that this financial assistance will allow PWQ funds to be freed up to hire a PWQ coordinator. The board noted while PWQ was an important project, they needed to keep in mind that they had to be able to justify why CWI funds that could go to District projects were allocated to PWQ instead.

The board agreed by consensus that the former motion still stood to allocate \$1500 to bring the Soil Adventure Mobile to the State Fair this year.

XIX. Next Meeting: June 12, 2007 at ISDA (No May meeting)

XX. Adjourn

Minutes Prepared By: Cris Goode

Approved By:

April

Current as of 4/1/2007

<u>Watersheds</u>	<u>Approx. # of Contracts</u>	<u>Acres</u>	<u>Obligated Funds</u>
Tippecanoe River	262	1747.90	\$249,770.00
Upper White River	78	637.40	\$320,160.00
Pigeon/Highland Rivers	79	254.30	\$38,840.00
TOTAL	419	2639.60	\$608,770.00

March

<u>Watersheds</u>	<u>Contracts</u>	<u>Acres</u>	<u>Obligated Funds</u>
Tippecanoe River	264	1754.60	\$250,440.00
Upper White River	75	622.80	\$275,095.00
Pigeon/Highland Rivers	71	225.10	\$35,920.00
TOTAL	410	2602.50	\$561,455.00



Natural Resources Conservation Service
6013 Lakeside Blvd.
Indianapolis, IN 46278

February 21, 2007

Mr. Robert Eddleman, Chair
Indiana State Soil and Water Conservation Board
8729 Chapel Glen Drive
Indianapolis, IN 46234-2621

Dear Bob:

I wanted to follow up with you on our discussion on the Deer Creek RC&D Flood Control Measure located on US Forest Service land in Perry County.

The project agreement between NRCS and the Perry County Soil and Water Conservation District, as the local sponsors, was signed in September, 1977. The RC&D measure was developed to construct a flood control structure. NRCS provided 100% of the cost of construction of the structure using RC&D financial assistance funds. The Perry County SWCD provided land rights for construction of the structure. Land rights included a special use permit that allowed the District to construct the structure on Forest Service land. The special use permit was for 20 years. The permit has been renewed once however, the present permit will expire in September, 2007.

When the structure was constructed in 1977, it was classified as a low hazard dam. A home has now been constructed downstream from the structure within the flood plain of Deer Creek. The house would sustain damage if the dam was to breach. This potential for loss of property and/or life now makes the dam a high hazard dam.

The Forest Service has decided not to renew the special use permit because of the high hazard classification. Provisions of the special use permit could require the site be restored to its original condition if the permit is not renewed. Under terms of the special use permit, the District could be responsible for the cost of restoring the site which would involve breaching the dam and spreading the fill. This would be quite expensive and well above the financial resources of the District. NRCS and the Forest Service personnel, being aware of the situation, have met and are exploring alternatives within our respective authorities to try to remedy the situation. Jane has asked me to keep you and Tammy informed since it involves the Perry County SWCD. I do not think there is any action that the State Board or the Division needs to take at this time.

Please contact me at 317-290-3200 ext. 320 if you have questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "Harold", is written over a horizontal line.

HAROLD THOMPSON
ASTC (Programs)

cc: Xavier Montoya, Acting State Conservationist, NRCS, Indianapolis, IN
Tammy Lawson, Director, Division of Soil Conservation, ISDA, Indianapolis, IN
Dan Hovland, Area Conservationist, NRCS, Vincennes, IN

Helping People Help the Land

An Equal Opportunity Provider and Employer



Dubois County Soil and Water Conservation District
1486 Executive Blvd., Suite A - Jasper, IN 47546 - Phone (812) 482-1171, Ext. 3

January 25, 2007

Robert Eddleman, Chairman
State Soil Conservation Board
ISDA - Division of Soil Conservation
101 West Ohio Street, Suite 1200
Indianapolis, IN 46204

Dear Mr. Eddleman and members of the State Soil Conservation Board,


As with many Soil and Water Conservation Districts throughout Indiana, our supervisors, staff and partners are actively searching for additional technical and financial resources to assist local landowners and their concerns. **For this reason, we, the Soil and Water Conservation Districts responsible for the Patoka River watershed, are approaching the Indiana State Department of Agriculture and the Indiana State Soil Conservation Board to request that the Patoka River watershed - in its entirety or in select sections - be strongly considered as a future designated Conservation Reserve Enhancement Program (CREP) area.**

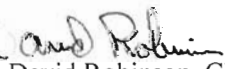
The SWCDs in the Patoka River watershed, along with partners such as county and city governments, conservation groups, farm bureaus, and numerous concerned individuals and organizations have worked for years to address conservation needs of local landowners due to the regional importance of this river and its tributaries. Patoka Lake, one of Indiana's larger reservoirs and the primary source of drinking water for most nearby southwestern Indiana communities, is located at the upper boundaries of this watershed. The City of Jasper, which serves as a major manufacturing and economic hub for southwestern Indiana, also draws water directly from the Patoka River at the central part of the watershed.

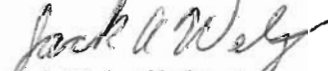
Efforts have been made to assist landowners through many diverse approaches. County governments have been repeatedly approached to increase spending on technical, financial (cost-share) and educational resources. Federal programs, such as EQIP, CRP, WRP and others have been continually promoted to producers. Clean Water Indiana (CWI) funds have been used for various programs and marketing efforts. EPA 319 funds have been used for staff, cost-share, and additional programs, and three watershed plans covering almost 1/2 of the watershed are currently being completed to ensure that EPA funds will continue to come to the Patoka River and its tributaries. We hope you will add CREP funding to our list of resources available to assist our producers.

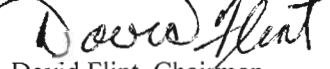
We look forward to hearing from you on this issue, and welcome any correspondence you may have on this or any other related conservation concerns for our region.

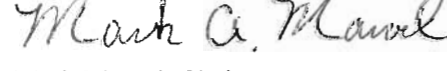
Thank you,


William Breeding, Chairman
Crawford County SWCD


David Robinson, Chairman
Orange County SWCD


Jack Welp, Chairman
Dubois County SWCD


David Flint, Chairman
Pike County SWCD


Mark Marvel, Chairman
Gibson County SWCD

From: AHaynes@co.dekalb.in.us
To: bobeddleman@sbcglobal.net
Date: Tuesday, April 3, 2007 2:58:38 PM
Cc: jconrad@lakeland.k12.in.us
Subject: Urban Conservation

Bob,

My name is Allen Haynes and I am the Natural Resource Coordinator for the DeKalb County SWCD. It is that time of year, as required by our business plan, that my Board of Supervisors evaluates and selects our level of involvement in the Rule 5 program. I am writing to see if you have any additional information that will aid the Board in their decision.

Presently, we have significantly scaled back our program because it is unclear to us if we still have authority to work with the program. I understand that IDEM did have their legal department look at the existing MOA and declare that it is still valid; having read the MOA that would appear to me to be a pretty shaky interpretation. As you are well aware, Districts are required by Indiana Code to participate in this program. The combination of these two items puts our District in a rather awkward position; one that does not represent us in the most positive light when dealing with the public in regard to these issues.

I recall reading that the State Soil Conservation Board would be investigating this issue with IDEM as well as others in regard to the Rule 5 Program/ Urban Conservation. I would like to know the status of those discussions and if any changes have occurred that would assist my Board in their decision. Any information you could provide would be extremely helpful. Thank you for your assistance.

Sincerely,

Allen Haynes
Natural Resource Coordinator
DeKalb County SWCD
260.925.5620 extension 3

I_{ndiana} D_{istricts} E_{mployee} A_{ssociation}

March 27, 2007
Bob Eddleman
Indiana State Department of Agriculture
c/o Cris Goode
101 W. Ohio St., Suite 1200
Indianapolis, IN 46204

Mr. Eddleman,

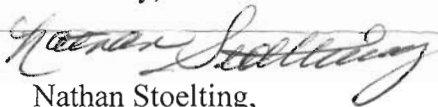
The Indiana District Employee Association feels open communication with the State Soil Conservation Board is important. We feel one way to maintain this relationship would be to invite the SSCB to attend our quarterly meetings.

This would give a Board representative the opportunity to share updates, answer questions, and hear concerns from the group. We understand time is valuable and would welcome you for the entire meeting. However, our meeting agenda would afford at least a 15-minute window or what time you feel should be sufficient. IDEA appreciates the State Soil Conservation Board's role in the partnership. We believe ongoing communication is beneficial for everyone.

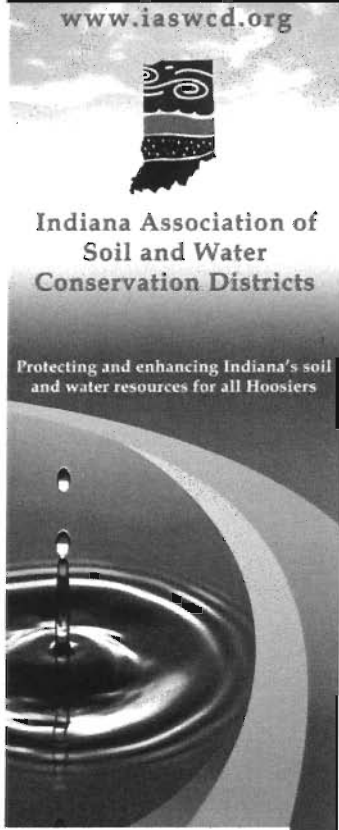
The Indiana District Employee Association will meet on Tuesday, June 19, 2007 at 10:00 A.M. in downtown Indianapolis in the Farm Bureau Building. We hope you or another SSCB member will be able to attend. Please feel free to contact me should you have questions. We look forward to hearing from you as to whether SSCB will be placed on our meeting agenda.

Thank you for your time and attention to this matter. We hope to see you in June.

Sincerely,



Nathan Stoelting,
IDEA President



IASWCD
225 S. East Street
Suite 740
Indianapolis, IN 46202

Phone: 317.692.7325
Fax: 317.423.0756
Web: www.iaswcd.org

PRESIDENT:
Jim Droege
Posey County

VICE PRESIDENT:
Paula Baldwin
Marion County

TREASURER:
Jeff Meinders
Ripley County

SECRETARY:
Jon Roberts
Kosciusko County

EXECUTIVE DIRECTOR:
Jennifer Boyle
Jennifer-boyle@iaswcd.org

To: State Soil Conservation Board
From: Jim Droege, President, IASWCD
Date: Tuesday, April 10, 2007

State Drink Initiative

- Senator Kruse announced a resolution in the Senate declaring water as the state drink of Indiana. It passed by a voice vote. Attempts were being made to get a similar resolution passed in the House. We will continue to work on this issue to bring forth legislation next session.

Region Meetings

- Four IASWCD region meetings have been held by Region Directors. A special thanks to the SSCB members that have taken the time to attend these meetings.

Budgets

- IASWCD has been sending updates and encouraging local Districts to contact their legislators and congressional delegates regarding the State budget and the NRCS federal budget.
 - State Senate to pass their budget this week. Their budget includes \$500,000/yr. in General Funds for the Clean Water Indiana program. The House passed budget included \$2.5 million/yr.

NACD Teleconference

- SSCB members are welcome to join the next NACD teleconference, specifically for Indiana, on Thursday, April 19 at 7:30 pm (EST). Gene Schmidt, Executive Board member (from Indiana) and an officer will be on the call to answer questions from Districts. If interested in joining the teleconference, call 1-888-387-8686 and enter pass code 5563099.

THE IASWCD MISSION is to represent SWCDs as one voice and assist the leadership of local Districts through coordination and education for the wise use and management of our natural resources.

Indiana State Soil Conservation Board Meeting
April 10, 2007
NRCS State Conservationist Report

2007 Budget

Indiana NRCS has received their final budget allocation. The 2007 budget for Indiana is less than last year- while the financial assistance dollars are about the same, the technical assistance and conservation technical assistance dollars are reduced. However, due to the way we have been managing our operations and budget, and some retirements, we will be hiring to fill some of our critical positions over the coming months.

Contribution Agreements

NRCS headquarters has lifted the freeze on Federal Fiscal Year (FFY) agreements. SWCDs are invited to submit proposals for Contribution Agreements, which will be considered in the order they are received. Districts also are welcome to submit proposals at any time to be considered for FFY 2008 agreements. Details on the type of work being considered and required application materials can be found on the NRCS Contribution Agreement Fact Sheet available in the March 21 IASWCD Weekly Update, available at <http://www.iaswcd.org/PDFs/Updates/3-21-07wu.htm>.

Tillage Transect

The Indiana Conservation Partnership is committed to completing the Tillage Transect statewide in 2007. Transects will be completed in May or June, and all local partnership employees are invited to participate. In addition to the data that will be gathered, conducting the transect offers an opportunity for all the local partners to observe and discuss resource conditions, needs and accomplishments. All partnership employees should have received a letter from the ICP Partnership leaders detailing the background, procedures, and partnership roles for the Tillage Transect.

Training

District Boot Camp #2 for SWCD District staffs was held April 5 in Elkhart County in Goshen. The workshop was sponsored by the Indiana District Employees Association. It included a hands-on presentation of the Web Soil Survey and the market-based approach to conservation - the new Energy and Nitrogen tools NRCS has created. Mid-contract management information was also shared.

EQIP Updates

There is a new financial incentive for Comprehensive Nutrient Management Plan (CNMP) development for fiscal year (FY) 2007 livestock-related EQIP contracts. This is a nationwide initiative that provides additional funding for the development of CNMPs.

Congressional Tour

Posey and Vanderburgh SWCDs recently hosted Congressman Brad Ellsworth on a tour of conservation issues in their counties. NRCS helped pull together a packet of information on the Farm Bill programs, local resource concerns, grant projects and CREP activities in the area.

News Releases

Corn Production and Conservation Compliance
Proposed Farm Bill Addresses Indiana Farmers Concerns

Definition

Non-competitive agreement between NRCS and any party that will serve a mutual interest of the parties in carrying out NRCS programs, with both parties contributing resources to carry out the program activity.

Opportunities

- \$5,000 Minimum Contribution by each Party.
- Applications will be considered as they are received, on a 'first come, first serve' basis.
- EQIP conservation practices scheduled for implementation by September 30, 2007, including design, installation oversight and checkout. Eligible practices can be found in the eFOTG, Section 4 at <http://www.nrcs.usda.gov/technical/efotg/> (click on Indiana and your county).
- CRP conservation practices scheduled for implementation by September 30, 2007, including design, installation oversight and checkout, for SWCDs that have previously performed work in this program.

Participant's Initial Application (Forms and samples available from Judy Weber at NRCS)

- Description of the Mutual Interest.
- Form NRCS-ADS-400.
- Description of the Resources to be Provided by Each Party.
- Detailed Plan of Work.
- Detailed Proposed Budget.
- Resumes for employees that will do work under the agreement.

Resources contributed can be In-Kind Contributions, such as:

- Volunteer labor.
- Donated materials from third party.
- Donated equipment from third party.

Applicant's Responsibilities (Should be completed concurrently with application)

- Obtain a Dun & Bradstreet Number (DUNS) by calling 1-866-705-5711 (unless already have one).
- Obtain your electronic banking information.
- Register or update your Central Contractor Registration Database at www.ccr.gov.
- Submit your DUNS Number along with your Federal ID Number or Tax ID Number with your application.

NRCS' Responsibilities

- Review application.
- Determine authority to participate in proposed activities.
- Determine funds availability.
- Determine cost reasonableness, allocability, and allowability. Project costs will be compared to the TSP Not to Exceed Rates available at <http://techreg.sc.egov.usda.gov/NTE/TSPNTE2/index.asp>.
- Review for conflicts of interest.

*For More Information, Please Contact Judy Weber at 317/290-3200, ext. 385,
or at judith.weber@in.usda.nrcs.*

**Indiana
Conservation
Partnership**



Indiana Association of
Soil and Water
Conservation Districts
225 South East Street
Suite 740
Indianapolis, IN 46202
(317) 692-7374



Division of Soil
Conservation
101 W. Ohio Street,
Suite 1200
Indianapolis, IN 46204
(317) 232-8770



State Soil
Conservation Board
101 W. Ohio Street,
Suite 1200
Indianapolis, IN 46204
(317) 232-8770



Natural Resources
Conservation Service
6013 Lakeside Boulevard
Indianapolis, IN 46278
(317) 290-3200



Purdue Cooperative
Extension Service
1147 HENT Building
Purdue University
West Lafayette, IN 47907
(765) 494-4795

March 21, 2007

SUBJECT: Indiana Conservation Tillage Transect

TO: Indiana Conservation Partnership Staff

The Indiana Conservation Partnership is committed to completing the Tillage Transect statewide this year. The increase in demand for Indiana's row crop production, fueled by the broadening bio-fuel initiatives, makes tracking trends in conservation tillage, energy consumption, the crop rotations and even carbon sequestration an important and valuable activity. The Tillage Transect allows the partnership to track these adoption trends by state, county or watershed.

The attached document provides guidance on the procedures for completing the 2007 Tillage Transect. In addition to the data that will be gathered, the opportunity for conservation partners to observe and discuss the conditions, needs and accomplishments related to the natural resources in each county is an invaluable effort. We are proud to support this effort, and look forward to utilizing the results to bolster conservation efforts around the state.

Sincerely,

Jim Droege

Bob Eddleman

Tammy Lawson

Jane E. Hardisty

Tom Jordan

2007 Tillage Transect Background and Procedures

What is the Tillage TRANSECT?

- A windshield cropland survey.
- Uses Excel for data collection and analysis.
- Conducted by conservation partnership personnel.
- Statistically reliable (95% Confidence).
- Records present crop, previous crop, tillage, residue cover, soil loss factors, watershed codes, GPS coordinates and comments.
- Route designed for obtaining county data.
- Typically 450+ points per county.

Deliverables to the Partnership:

- Track cropland use, conservation tillage adoption, residue cover and soil loss by county, state or watershed.
- Data will be compiled to evaluate cropland use for corn, soybeans, hay, small grains, CRP and other (i.e. truck crops, tobacco, etc.).
- Data will be managed to look at energy consumption trends.
- Data will be managed to look at carbon sequestration and other market based conservation potential.
- Opportunity for communications and collaboration for partnership staff to evaluate the conservation needs in the county.

Transect Procedures

General

- Transect will be completed in all counties in May or June of 2007.
- Local partnership managers should assess local workload and availability of staff.
- It is recommended that representatives from all members of the partnership participate in the survey whenever possible to improve collaboration.
- Typically a county will have 450+/- points and can be completed in around one full work day.
- At least three people are needed to conduct the survey whenever possible (driver, spotter, and recorder--4th person valuable to improve accuracy of the data and traffic safety).

NRCS Role

- DC serves as local coordinator (recruits partner participants, schedules data collection, retrieval and loading of GPS waypoints, and manages local data files).
- NRCS provides maps, laptop computer and GPS equipment.
- NRCS provides a vehicle which can accommodate the team.
- NRCS provides and coordinates training, as needed, for the local team.

ISDA Role

- Distributes spreadsheet files with instructions to District Conservationists.
- Compiles Excel files from the field into the Transect Program or database and forwards statewide data to CTIC.
- Distributes state wide results to partners.
- Assists with data collection (DSS's where possible)

SWCD Role

- Determines local needs for data and frequency of transect to meet the needs.
- Assists with data collection and recruitment of partners.
- Distributes results to local leaders, media and partners.

Purdue University Cooperative Extension Service

- Assists with data collection and recruitment of partners.
- Distributes state wide results to media, farm organizations, and researchers.
- Assists with statistical accuracy oversight.

Check Your Conservation Plan If You Add Corn to Your Rotation

INDIANAPOLIS, April 2, 2007 – Ag Corn prices have gone up, and farmers all over Indiana are thinking about adding corn to their crop rotations. One consideration for producers with highly erodible land should be staying eligible for USDA benefits.

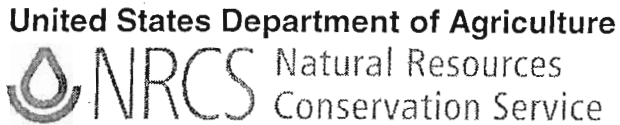
“Don’t forget to check your conservation plan when you make planting decisions this spring,” says Jane Hardisty, State Conservationist for USDA Natural Resources Conservation Service (NRCS). “If your conservation plan requires a crop rotation to protect against erosion, you will have to continue the same level of protection to stay eligible for USDA programs.”

The 1985 Farm Bill put conservation compliance issues in place. Farmers with highly erodible soils are required to have a conservation plan that reduces erosion in order to stay eligible for USDA benefits. “If the conservation plan is based on a particular crop rotation or specified tillage decisions, they’ll want to be sure that changes to add corn don’t put fragile soils in jeopardy,” says Barry Fisher, State Agronomist for NRCS.

“This is an important issue for farmers. USDA program benefits can be substantial because they include Conservation Programs, the Farm Loan Programs and Disaster Assistance, in addition to Commodity Price Support Programs.” Management decisions play a role too, and Fisher offers the following list of considerations to farmers:

- There is a reduction in yield when corn follows corn instead of soybeans. If additional tillage is planned to reduce that yield loss, there are additional costs for those operations. And, make sure tillage operations don’t bury too much crop residue.
- Corn after corn takes 40-60 more pounds of nitrogen than corn after soybeans.
- There is added risk for insect and disease problems with corn after corn, so additional pesticides and/or stacked-trait resistant hybrids may be needed.

NEWS RELEASE



6013 Lakeside Boulevard
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Farm Bill Proposal Hits the Mark

INDIANAPOLIS, April 3, 2007 – In August 2005, USDA held a Farm Bill listening session at the Indiana State Fairgrounds on Farmers' Day. Evidently, USDA officials were listening to what Indiana farmers had to say.

Last month when USDA Secretary Mike Johanns released his proposal for the 2007 Farm Bill, he hit the mark for most of the comments that farmers made at the listening session. "We reviewed the transcript comments that were made person by person, and matched them up with the administration's proposal," says Jane Hardisty, State Conservationist for USDA's Natural Resources Conservation Service. "Indiana farmers asked for several specific things that came through in the proposal, including more resources for beginning or socially disadvantaged farmers, help for fruit and vegetable growers, and initiatives to promote bio-energy production from the farm."

"One of the other areas farmers focused on specifically was the Conservation Title," says Hardisty. "Over and over we heard support voiced for current conservation programs, and the financial support for conservation that has come through the 2002 Farm Bill. There were requests to simplify conservation programs, which is addressed in USDA's 2007 proposal. There was strong support for the new Conservation Security Program, and requests to expand and fully fund it. The proposal recommends moving that direction. Support for a fully funded Conservation Technical Assistance Program was the most common thread in the Conservation Title. There was no specific line item for that in the proposal, but it will likely be an issue in budget considerations in the coming weeks and months."

The U.S. Senate and the House of Representatives have both reacted positively to the administration's proposal and the agriculture committees are working on their versions of the Farm Bill now. This USDA proposal is setting the tone for their discussions, and it is likely that key changes farmers asked for will be written into the Farm Bill, which is due later this year.

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2007 319, Funded Proposals Report

<i>Prop #</i>	<i>Project Name</i>	<i>Sponsor</i>	<i>Description</i>	<i>Watershed</i>	<i>Fund Source</i>	<i>Project Type</i>	<i>Grant Amt</i>	<i>Ranking</i>	<i>Funded</i>
3	Li Elkhart Ri Mgmt Plan Update/BMP Installation	LaGrange Co SWCD	Write WMP for 4 remaining HUC 14s to update WMP, implement BMPs thru cost share. Also monitoring, educ., manure and nutrient mgmt plans.	Li Elkhart Ri	Inc 80%	Restoration	468,500		X
4	Kessinger Ditch WMP Implementation	Knox SWCD	Implement a WMP thru cost share for BMPs. Also educ & monitoring	Lo White, Kessinger Di, Robertson Di, Indian/Fiat Crs, Opossom/Steen Di	Inc 80%	Restoration	255,000		X
6	SF Wildcat C Blinn Di Kilmore C Boyles D Implementation	Clinton Co SWCD	Implementation of WMP thru cost share of BMPs. & educ.	S. Fk, Wildcat Cr-Blinn Di & Kilmore Cr-Boyles Di	Inc 80%	Restoration	294,600		X
9	Hogan Cr Wtrshd Proj	Dearborn Co SWCD	Implement WMP thru cost share on BMPs. Also educ.	Hogan Cr Wtrshd, N Hogan Cr, S. Hogan Cr	Inc 80%	Restoration	192,280		X
10	Little Blue Ri Wtrshd	Rush Co SWCD	Implement a WMP thru cost share on BMPs. Also educ and monitoring.	Little Blue River	Inc 80%	Restoration	258,310		X
11	Development & Demo of Outcome Based Framework of the IN NPS Prog Ph II	Purdue	Development of the social indicators framework	Statewide	Base 80%	Tech Assist	239,928		X
14	Busseron Wtrshd Planning & Implementation Grant	Sullivan SWCD	Dev WMP, & implement cost share on BMPs. Also educ. Also evaluate 15 NRCS constructed lakes in wtrshd.	Busseron Creek, Lk Sullivan, Wabash Ri	Inc 20%	Planning	235,560		X
17	Big Blue River WMP	Henry Co SWCD	Hire Coordinator to develop WMP. Monitoring, educ.	Big Blue River	Inc 20%	Planning	96,000		X
19	Lt Vermillion Wtrshd Proj	Vermillion Co SWCD	Develop and implement a WMP by cost share of BMPs	Little Vermillion R. Wabash Ri, Jonathon Cr	Inc 80%	Restoration	182,563		X

<i>Prop #Project Name</i>	<i>Sponsor</i>	<i>Description</i>	<i>Watershed</i>	<i>Fund Source</i>	<i>Project Type</i>	<i>Grant Amt</i>	<i>Ranking</i>	<i>Funded</i>
20 Whitewater Ri Initiative	Wayne Co SWCD	Implement Mid Fk of E. Fk Whitewater Ri WMP. And Develop WMP for W Fk. Whitewater Ri.	Whitewater Ri	Inc 80%	Restoration	228,000		X
21 E Fk White Ri Wtrshd Proj, Implement Clifty Cr, Develop WMP for Haw Cr	Bartholomew Co SWCD	Implement WMP for Clifty Cr Wtrshd, Develop WMP for Haw Cr	Clifty Cr, Haw Cr	Inc 80%	Restoration	506,350		X
24 Reducing NPS in St. Marys Wtrshd Ph I	Allen SWCD	Develop WMP	St. Mary's Ri	Inc 20%	Planning	154,800		X

SURVEY RESULTS

Identifying the SWCD Role in the

Implementation of 327 IAC 15-5 (Rule 5)

Background:

In May of last year, the Indiana Department of Environmental Management (IDEM) sent out a survey to Indiana's ninety two (92) Soil and Water Conservation Districts (SWCDs or Districts). The survey asked questions about 327 IAC 15-5, the storm water program regulating construction site runoff (commonly known as Rule 5). The purpose of the survey was to get a better understanding of the current and continued SWCD involvement and interest in the Rule 5 program. A copy of the transmittal letter and survey is incorporated (please see pages 27 through 31).

The need for the survey arose because in 2005, IDEM, along with Indiana's other state agencies, evaluated how various programs were implemented to allow better alignment with agency priorities and adjust to the reality of declining limited resources. As a part of this effort, Rule 5 was evaluated and changed. IDEM became the lead state agency for implementing Rule 5 and the state resources available to implement Rule 5 were reduced. Understanding that, at least in the past, there were, in some counties, some local SWCD resources dedicated to assisting in the implementation of Rule 5, IDEM sent the survey as one tool to help assess all available resources and options to implement the Rule 5 program.

The survey was e-mailed to SWCDs statewide. Initially, a number of SWCDs did not receive the survey. This was attributed to out of date e-mail addresses and a transition of many SWCDs to a new e-mail system that resulted in a change of e-mail address. In an effort to ensure SWCD input, IDEM staff phoned many of the SWCDs which had not responded. Those who had not received the survey were supplied one. Many of the SWCDs contacted responded to the survey. Some SWCDs did not fill out the survey, but provided a statement in response to the survey. This summary provides information taking into consideration all the factors listed above.

At the date of survey compilation, sixty-six (66) of ninety two (92) SWCDs responded. Following is a brief summary of the survey results. In addition, the responses to each question are summarized and, separately, comments collected for each question are listed.

Summary:

The overall response from the Soil and Water Conservation Districts (SWCDs or Districts) was excellent. Over seventy percent (70%) of the SWCDs completed the survey. Fifty four (54) of the sixty six (66) that responded stated that they were interested in discussing their future role in the implementation of Rule 5. Twelve (12) of the sixty six (66) stated that they were not interested in participating in the program. Ten (10) provided a statement that they were interested in future participation or, at a minimum, in discussing their future role with the agency. Twelve (12) additional SWCDs have been provided the survey (did not receive initially) and have indicated that they plan to respond. We did not receive any response from four (4) SWCDs.

SWCDs were asked to respond by identifying whether they were currently participating (Directed to Answer Questions 5, 7, 8, 9, 10 and 11). or were not participating. Only six (6) of the respondents stated that they were not participating (Directed to Answer Questions 6, 7, 8, 9, 10, and 11). Of those

six, IDEM records indicate that most are currently continuing to assist through this transition by accepting plans at the local office and issuing “No Review” letters.

The overall response indicates that the current level of participation will remain relatively constant. A comparison of Question 5a. and question 5g. revealed the following:

<u>Activity</u>	<u>Current Level</u>	<u>Future Participation</u>
○ Plan Review:	39	38
○ Site Evaluation:	29	35
○ Administrative:	41	38
○ Did not answer:	1	3

The six (6) Districts that said they were not currently participating indicated that they would be interested in program participation. One did not respond to this question. Three (3) stated that they would be willing to assist with plan review and site evaluation/assessment. All five (5) stated that they would be willing to assist with administrative activities.

Overall, Districts stated that they were willing to continue to participate in the program. However, the issue of funding or compensation did generate a high level of feedback. Responses to funding can be found in question # 8. One District did point out that the wording of the response option, “Willing to assist only if some form of additional funding, such as fees, can be arranged”, was limiting. Nonetheless, response option was selected by 28 Districts. Based on the responses to other questions, most Districts want to have dialogue with IDEM on their future role. The response to question #8 indicates that funding or compensation is an issue that needs to be addressed.

The Districts have also indicated that training and technical support is a high priority (Question 10). This training should include sessions for District staff as well as the construction community. In addition, emphasis was placed on policy and procedures, compliance, and enforcement.

IDEM staff is currently working on many of these issues.

1. Has the SWCD identified storm water runoff associated with construction activities as an important natural resource issue in your county?

- 59 out of 66 considered storm water runoff associated with construction activities to be an important resource issue in the county.
- 6 did not feel it was an important issue.

2. IDEM has designated cities and counties as Municipal Separate Storm Sewer Systems (MS4s) throughout Indiana. These designated MS4 entities are required to develop local storm water programs.

- 42 of the 66 responding have an MS4 (City/County) within the county.
- 20 answered that there was not an MS4 in their county.
- 3 Did not know if there was an MS4 in the county.
- 1 Did not answer
- 29 of the 66 have worked with or are working with an MS4.
- 12 are not working with an MS4.
- 25 Not applicable.

3. Is the SWCD interested in discussing their future role in the implementation of Rule 5?

- 54 of the 66 respondents stated that they were interested in discussing their role in the implementation of Rule 5.
- 12 stated that they were not interested in participating in the program.
 - Adams stated that they will continue to send the “No Review” letter and revisit the issue in February of 2007.
 - Harrison responded in the survey that they did not wish to participate, however they are still willing to accept plans and provide limited administrative support.
- 10 Soil and Water Conservation Districts did not complete the survey, however did provide a statement or discussed the issue with the IDEM Regional Storm Water Specialist. These Districts expressed interest in participating in the program or at a minimum were interested in discussing their future role in the program.
 - Crawford
 - Fulton continues to receive plans and issue “No Review” letters.
 - Gibson is in favor of Rule 5 and the enforcement of the same. The role of the SWCD would be limited to receipt of the plan and administrative assistance. To continue they felt it was important to receive some type of compensation from the state for the District to take on additional responsibilities and enforce Rule.
 - LaPorte
 - Perry will continue with the program as in the past. The role was primarily limited to receipt of the plans and administrative assistance.
 - Vermillion discussed the survey with staff and stated that the District would want to be involved with the program (Plan Review and Site Assessment). They plan to submit a completed survey.
 - Scott wants to continue to be involved in the program, but primarily administratively.
 - Starke continues to receive plans and issue “No Review” letters.
 - Steuben
 - Wabash has stated that they will continue to receive plans and issue “No Review” letters.

- 12 are planning to respond to the survey.
 - Fountain will continue to receive plans and issue “No Review” letters. They plan to complete the survey.
 - Marshall is planning to respond to the survey. At this time, the District is still willing to receive plans and issue “No Review” letters.
 - Newton chose not respond to the survey, however is re-considering completion of the survey.
 - Tipton is planning to respond to the survey. At this time, the District is still willing to receive plans and issue “No Review” letters.
 - Carroll
 - Clay
 - Porter
 - Rush
 - Greene
 - Monroe
 - Newton
 - Spencer
 - Vanderburgh
- 4 did not respond to the survey at all.
 - Noble, Jasper, Ohio, and Union.

4. Is the SWCD currently participating in the implementation of Rule 5?

- 47 of the 54 stated that they are currently participating in the program. Participation ranges from administrative assistance to technical assistance.
- 6 SWCDs stated that they were not participating in the program.
(Several of these SWCDs are currently contributing to the effort by receiving plans and sending out the “No Review” letter).
- 1 SWCD did not respond to the question.

5. This section contains information provided by those SWCDs that are currently participating in the implementation of Rule 5.

48 Responded to Question # 5.

5a. Indicate the current level of participation.

- 47 of the 48 responded and stated that they are participating at the following level:
 - Plan Review: 39
 - Site Evaluation: 29
 - Administrative: 41
- 1 SWCD did not respond to the question.

5b. Staff time currently performing Rule 5 activities.

Question 5b. was not tabulated in this summary. The information was requested to have information available as staff begins to work with each SWCD. The information will also provide a baseline to assess employee experience in the program.

5c. How long has the SWCD provided assistance in the implementation of Rule 5?

Question 5c. was not tabulated in this summary. The information was requested to have information available as staff begins to work with each SWCD. The information will also provide a baseline to assess employee experience in the program.

5d. Was the employee originally hired to do Rule 5?

- 13 SWCD employees were originally hired to provide assistance to implement the Rule 5 program.
- 33 of those participating now were not hired for the purpose of Rule 5 implementation.
- 2 did not provide an answer.

5e. Have you changed responsibilities of a position to meet the demands of the Rule 5 workload?

- 29 stated that their responsibilities have changed in order to meet the demands of Rule 5 implementation.
- 16 stated that their responsibilities had not changed.
- 3 did not provide an answer.

5f. Are you willing to continue to utilize the SWCD staff to carry out this program at the local level?

- 42 are interested in continuing to utilize staff.
- 2 were not interested (Both stated in the survey that they were still interested in administrative support).
- 1 was undecided.
- 3 did not provide an answer.

5g. At which level of participation would you be interested in either continuing or expanding your involvement with the implementation of Rule 5.

- Plan Review: 38
- Site Evaluation: 35
- Administrative: 38
- Did not answer: 3

In 5f., The two SWCDs that said they were not interested in continuing to utilize their staff still responded to this question that they would be willing to assist with administrative functions of the program.

5h. Will the SWCD be required to hire additional staff to provide this level of assistance?

- 20 believed additional staff would be needed.
- 24 thought that they would not need additional staff.
- 4 did not answer.

5i. Based on the volume of workload, can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload?

- 17 of the 47 would be willing to share staff with neighboring SWCDs.
- 26 would not be willing to share staff.
- 1 Undecided
- 1 Maybe
- 3 did not provide an answer.

Question 6 (Series):

6 SWCDs felt that they were not currently participating in the program. These SWCDs answered a series of questions related to future activities.

6. Is the SWCD interested in working with IDEM on the Rule 5 program.

- 5 out of 6 SWCDs stated that they are interested in working with IDEM.
- 1 answered no to the question, although they answered question 3 that they wanted to discuss their future role in program.

6a. How would you be willing to help?

- 5 out of 6 SWCDs (one did not respond to the question) are willing to participate at the following level:
 - ➡ Plan Review: 3
 - ➡ Site Evaluation: 3
 - ➡ Administrative: 5

6b. Number of technical staff employed by the SWCD.

- Of the 5 SWCDs (one did not respond to the question) that responded, only 1 currently has technical staff.

6c. If the SWCD has staff available, is the SWCD interested in adjusting the position description of the staff member to include Rule 5?

- 3 of the 6 would be willing to adjust job descriptions.
- 1 responded Not Applicable.
- 2 did not answer.

6d. Will participation in this program require the SWCD to hire new staff?

- 3 of the 6 felt they would need additional staff.
- 1 Not sure.
- 1 answered no.
- 1 did not answer.

6e. Are you interested in hiring a staff member to assist with this program?

- 4 of the 6 are interested in hiring staff
- 1 answered no.
- 1 did not answer.

6f. Based on the volume of workload; can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload?

- 3 of the 6 are willing to share staff
- 2 not interested.
- 1 did not answer.

7. Do you believe the county would consider funding a position at the SWCD to administer this program at the local level?

- 16 of the 54 responded that the County is currently funding a position.
- 4 thought that the county may consider funding a position.
- 27 did not believe the county would fund a position.
- 3 were not sure.
- 4 did not answer.

8. Under which of the following would the SWCD be willing to help administer Rule 5 at the local level?

- 5 would be willing to participate without funding.
- 28 would be willing to participate with some form of funding.
- 24 offered other options.
- 5 did not answer.

9. The following are the first, second, and third choices of SWCDs on how to best fund implementation of Rule 5.

Fee for Plan Review

Ranked #1 by: 28

Ranked #2 by: 10

Ranked #3 by: 2

Fee for Site Evaluations/Assessments

Ranked #1 by: 5

Ranked #2 by: 23

Ranked #3 by: 8

Other Options:

Other options to fund the program included reimbursement by IDEM, state funding, fees by SWCDs, local fee collected by SWCD and rate set by the state, and state budget line item.

Additional comments related to the category of “Other Options” are found on Pages 21, 22 and 23.

Ranked #1 by: 20

Ranked #2 by: 0

Ranked #3 by: 11

10. The items below were identified by SWCDs as important for IDEM to provide to SWCDs that are participating in the implementation of Rule 5.

- Training on Plan Review: 45
- Training On-Site Evaluations: 45
- Technical assistance – difficult Projects: 46
- Establishment of Policy and procedures: 43
- Assistance with Non-Compliance Issues: 40
- Process Enforcement Referrals: 43

- Training for Construction community: 41
- Other Items Provided by IDEM:
 - Enforcement, Consistent and Timely.
 - Software Permit System.
 - State Funding
 - Certification Program for Trained Individual.

Additional comments related to the category of “Other Items Provided by IDEM” are found on Page 23.

11. The questions above may not have covered all issues that are important to you. Please provide any additional comments.

A complete listing of these responses can be found on Pages 23 through 26 of this document.

Comments (Organized by Question #)

1. Has the SWCD identified storm water runoff associated with construction activities as an important natural resource issue in your county?

No Comments Provided.

2. IDEM has designated cities and counties as Municipal Separate Storm Sewer Systems (MS4s) throughout Indiana. These designated MS4 entities are required to develop local storm water programs.

- We are involved in MCM #1 and #2 (Public Involvement and Public Education. (Allen)
- The office of the Boone County Surveyor is currently in charge of the limited MS4 areas in the county. If needed the SWCD may assist the surveyor in the program. (Boone)
- Education and Outreach. Plan reviews. (Clinton)
- Helping with paperwork and making sure things are done (acting as consultant). (Dearborn)
- We are working with MS4 to provide technical services for plan reviews, site inspections, and documentation. (DeKalb)
- The city of Jasper allows the opportunity for the SWCD to review the erosion control plans prior to their approval. Jasper's Stormwater Coordinator works with SWCD staff on public education programming, and also with the sharing of records and information. (Dubois)
- SWCD will perform services for 4 co-permittees (Elkhart, Goshen, Bristol, and Elkhart County). SWCD is performing most services of the construction (including housing an Urban Conservationist who does plan review and site inspections), education, and public involvement components, and is housing the Stormwater Coordinator who will serve as MS4 Operator for the co-permittees. (Elkhart)
- Attend meetings to stay current with MS4 activities. (Fayette)
- Floyd County passed their ordinances and has a five year plan. (Floyd)
- We have a contract with one MS4 to complete plan review and site inspections. We serve on several Rule 13/Rule 5 committees. (Hamilton)
- Education/Outreach Aspects. Sending Non-Review Letters at this time. (Hancock)
- We are integrally involved in the Education Components of Part C for Hendricks County as well as the towns of Danville and Pittsboro. (Hendricks)
- Working with county and city on new ordinance. (Howard)
- We have 7 MS4s in the county, some have written the SWCD into their ordinances and MS4 programs as doing plan reviews and education related programs without SWCD input.. (Johnson)
- We review pollution prevention plans and assist the storm water coordinator with educational efforts. (Knox)
- Very Limited. (Kosciusko)
- We would if we could work with the communities to reimburse the SWCD for services provided. Lake is very political. We will try and work on this but just to review the plans. (Lake)
- We did all the MS4s until just recently. We have helped train the new person the city has hired. We now have passed all the MS4 folders over to the new person. (Lawrence)
- We have signed MOUs with 5 of the 7 MS4s. These MOUs grant responsibility of plan reviews and site inspections to the SWCD. We have also signed a Stormwater Education MOU with all 7 MS4s in our county. (Madison)

- Not directly, we are assisting the city of Indianapolis through a Memorandum of Understanding (MOU) along with Lawrence and Speedway. (Marion)
- Available to assist upon request. (Miami)
- We are communicating with their representative. (Montgomery)
- We have an MOU with the City of Greencastle who does this work with the city and DePauw University. (Putnam)
- We are currently partnered with 5 entities to help implement the Public Education and Outreach and Public Participation and Involvement MCMs. We also have a contract agreement to do storm water pollution prevention plan reviews and conduct construction site inspections for St. Joseph County and its 2 partnering entities. We have also put on trainings for MS4 entities for plan reviews and site inspections in the classroom and in the field. (St. Joseph)
- Providing stormwater education and reviewing only MS4 projects (Answers 3-10 are specific only to MS4 projects). (Tippecanoe)
- Plan reviews and on-site evaluations. (Vigo)
- The District is working with Columbia City to assist them in implementing their MS4. (Whitley)

3. Is the SWCD interested in discussing their future role in the implementation of Rule 5?

- We have an MOA with IDEM signed in 1994 that states that the district has certain responsibilities in regard to Rule 5. Is it null and void? (Bartholomew)
- The survey asks to what level the District is willing to participate in the program. How will IDEM handle the workload in those counties that do not wish to participate? How would IDEM implement Rule 5 if Districts chose not to assist? (Bartholomew)
- IDEM is responsible for implementing Rule 5, collects related fees, but says “limited funding” is no longer available for Districts’ contribution to the Rule 5 program. If the District is doing the work, why can’t the District collect the fees? (Bartholomew)

7. Is the SWCD currently participating in the implementation of Rule 5?

No Comments Provided.

8. Questions Related to SWCDs Currently Participating in the Program.

5a. Indicate the current level of participation.

No Comments Provided.

5b. Staff time currently performing these activities:

No Comments Provided.

5c. How long has the SWCD provided assistance in the implementation of Rule 5:

- Recently due to reorganization we have been solely responsible. (Putnam)
- The SWCD has been trying to go on with the implementation of Rule 5 since DNR discontinued. (Putnam)

5d. Was the employee originally hired to do Rule 5?

- The present employee's responsibilities were modified to fill need after Div of Soil Conservation staff no longer affiliated with Rule 5. SWCD had previously hired a staff person to work on Rule 5 approximately 50% of time, but the position is presently vacant, pending Rule MS4s taking over most or all of the country under Rule 13. (Allen)
- Hired as District Administrator but Rule 5 came after State Dept of Ag was organized. (Blackford)
- The Natural Resource Coordinator was hired to address all local natural resource concerns. Rule 5 is one of the concerns this position is responsible for. (DeKalb)
- Urban Conservationist was hired to help meet the demands of the MS4 construction program (Elkhart)
- Two employees were involved – one from NRCS and the other from IDNR. (Franklin)
- Hired to do Rule 5 to enhance Urban Program. (Hamilton)
- Both answers – our employee has in the past worked on reviewing plans, site inspections, and assistance too at the time DNR Resource Specialist staff working on Rule 5. (Hancock)
- Part time employee takes care of most of workload. However we foresee potential increased workload within MS4 coming online. (Howard)
- Rule 5 has been determined to be of high level importance in this county due to rapid urbanization; a future funding source will need to be secured in order for Rule 5 activities to continue in the county. (Johnson)
- The employee was hired to provide technical assistance for farm bill conservation programs and providing technical assistance for Rule 5 was a natural extension. (Knox)
- Originally done by IDNR employee; now done by district employee. (Kosciusko)
- In May of 2005 the district hired a conservation technician/educator. At that time there was a resource specialist with DNR, Division of Soil Conservation working in the office and he was responsible for all the Rule 5 plan review, site evaluation and investigation of complaints. (LaGrange)
- Part time employee was trained by Larry Osterholz. We requested additional appropriation in 2006 to be able to complete the workload brought on when Division of Soil Conservation no longer allowed their resource specialist to review plans for SWCDs. (Lake)
- As well as education and other technical work. (Lawrence)
- The SWCD hired an Erosion Control Technician in February 2005. (Madison)
- This activity was originally perceived as being a part-time activity of a full time staff Resource Conservationist. (Marion)
- We have no SWCD employee who was hired specifically to oversee Rule 5. (Putnam)
- The County Conservationist was hired to help NRCS work with landowners to get conservation on the land. In 1992, a quarter of their responsibilities became helping with Rule 5 in St. Joseph County through plan reviews, conducting site inspections, and mailing reports and approvals to the developers. In 2005, the SWCD hired an MS4 Conservationist through contract agreement with St. Joseph County to help the county meet the Construction MCM requirements of Rule 13. Until IDEM gives the County final approval to begin implement this MCM he is helping with Rule 5. (St. Joseph)
- Originally the DNR employee in the office did the inspections and technical assistance part of the program and the Educator/Coordinator did the administrative work.

Additionally Sullivan County had very few (less than 10 projects over a 5 year period) that required Rule 5 work. (Sullivan)

- Since the DNR person has departed, the job has fallen to the Educator Coordinator who is fairly new to her job and untrained in Rule 5. Also, the State has had many changes that have not left the SWCD with a clear understanding of its obligations. Currently the SWCD is following the IDEM guideline of “send a letter” and let the contractor proceed. (Sullivan)
- Sullivan County is experiencing growth in building and has received 9 projects in the past year that qualify under Rule 5. Additionally, the county is going to have the “Section Street Project” and a couple of Commercial Building project begin within the next year. Now more than ever there needs to be oversight to these projects. (Sullivan)
- Part time erosion control specialist was hired specifically for Rule 5. (Tippecanoe)
- Position held was Resource Specialist. (Vigo)
- Rule 5 is not currently a specific job description for the employee reviewing plans. (Wayne)
- Administrative duties handled by SWCD Admin. Secretary. (Wells)

5e. Have you changed responsibilities of a position to meet the demands of the Rule 5 workload?

- As the county has grown and number of projects increased additional time has been required for implementation of the program. Additionally, more education efforts have been required with Phase II and local requirements for compliance. Adopting a routine site inspection schedule strengthens the program but is extremely time consuming. (DeKalb)
- The secretary has taken on some of the plan review duties as a result of Rule 5 workload. (Elkhart)
- Once Rule 5 started the duties of the Urban Conservationist changed to include those Rule 5 activities. (Hamilton)
- Job description revised to include more Rule 5/MS4 responsibilities. (Howard)
- The staff has absorbed the plan review and administrative mailings associated with Rule 5. (Jefferson)
- The Rule 5 workload is immense in this county (>75 active sites) and requires a full time position to do plan reviews and site visits, as well as administrative work that is associated with Rule 5. (Johnson)
- Our Rule 5 workload is not so great as to require the reassignment of employees. (Knox)
- Yes, takes time away from other program assistance. (Kosciusko)
- When the Division of Soil Conservation transferred into the Indiana State Department of Agriculture, LaGrange County was one of the counties that lost their resource specialist. At that time the district board assigned Rule 5 review responsibilities to the new technician. He continues to carry out that responsibility. (LaGrange)
- Part time employee was trained by Larry Osterholz. We requested additional appropriation in 2006 to be able to complete the workload brought on when Division of Soil Conservation no longer allowed their resource specialist to review plans for SWCDs. (Lake)

- The position was initially combined with our Watershed Coordinator position. Due to receiving a second 319 watershed grant, the Rule 5 duties have become part of the Executive Director's responsibility. (Madison)
- Originally to be part of duties, not all of duties. We are in the process of amending job responsibilities as needed. (Marion)
- We have had to contract with a person to conduct plan and site reviews. (Owen)
- Plan review and evaluation now done by District Coordinator and not Stormwater Specialist. (Posey)
- Out of necessity and desire to preserve and maintain the proper implementation of Rule 5 here in Putnam County we are currently using our part time employee to carry out this program.
- Although the workload has increased, the hiring of the MS4 Conservationist and St. Joseph County taking over part of the area, we should be able to cover the workload with no problems. (St. Joseph)
- The responsibilities have simply been passed on to the remaining employee. There has been no training or additional compensation for work performed. (Sullivan)
- MS4 has jurisdiction of Rule 5 in urban areas and county surveyor has taken over responsibility of Rule 5 in outlying areas. As a result, our office simply reviews MS4/City/County projects. (Tippecanoe)
- Hired Urban Conservationist. (Vigo)
- Yes, the existing technical position now has additional focus and demand of Rule 5, along with previous job duties and responsibilities. At times, Rule 5 is taking precedence over other technical duties due to time constraints. (Wayne)
- Contracted person in 2005 to take on the Rule 5 responsibilities – plan reviews, site evaluations, meet with county officials, contractors, developers, etc. (Wells)

5f. Are you willing to continue to utilize the SWCD staff to carry out this program at the local level?

- The SWCD would utilize staff if funding could be secured to cover cost of employee and sections of the county remain under Rule 5 and not part of MS4. (Allen)
- Fees would be needed to pay for Rule 5 activities. (Hamilton)
- If what we are doing is sufficient for our county then we can continue doing it,
- Otherwise I don't think we are prepared to do anything more (Administrative Only). (Benton)
- At this time we are. However, for us to continue would require more structure for the program and the ability to be reimbursed for services provided. (DeKalb)
- Only if IDEM handles enforcement process in a timely manner and the SWCD is reimbursed for cost. (Dubois)
- Our urban development in Fayette County is not large. Currently, our staff person is able to handle both positions. (Fayette)
- Funding is an issue – IDEM has to be involved. We request that it be a required funding (mandated) source from IDEM to fund a full-time/part time position for Hancock County Rule 5 Plan Reviews – Site Inspections, etc. or if not mandated by the state that the SWCDs have to be involved then have funding provided by IDEM to SWCDs for administrative (part time) assistance and creation of an MOU with our County MS4s. We feel that IDEM if it is mandated that the SWCDs have an acting role in the Rule 5

program should compensate us for work getting accomplished and back us completely for enforcement issues. (Hancock)

- Our current employee does not have the experience needed to perform these activities. She is in training. (Hendricks)
- Part-time position will continue to administer program working with MS4s.
- Re-evaluation of job responsibilities and workload. (Jay)
- It will depend on the time commitment that will be placed on the staff. The SWCD would like to continue, but if more and more plans are received it may not be possible to continue at the expense of other tasks of the staff. (Jefferson)
- We currently have one full time technician that handles Rule 5 and assists with other non-Rule 5 activities; however, this position was not originally intended to handle the entire Rule 5 workload that is present in Johnson County. (Johnson)
- We have an MOU with the MS4 (Vincennes) to review their pollution prevention plans. (Knox)
- If reimbursed for time. (Kosciusko)
- At this time the district will continue receiving plans and doing plan review, along with administrative duties associated with Rule 5 activities. (LaGrange)
- As long as the county continues to provide funding for the position. (Lake)
- The SWCD Board would like to hire a part-time staff member to solely deal with Rule 5. (Madison)
- Yes, if we can continue to maintain funding for the position, our SWCD is willing to support this position's efforts. We may have many other workload items that we need staff for in addition to Rule 5 assistance. (Marion)
- But, we expect assistance from IDEM. This should NEVER have been the sole responsibility of the SWCD. (Owen)
- Training to provide service is an immediate need. (Putnam)
- We have staff in place to provide continued service. (St. Joseph)
- SWCD is willing to work with IDEM but there needs to be some type of compensation for work performed. (Sullivan)
- Would like to be compensated in some manner. Not opposed to charging fees, if a fee schedule is set up for the whole state. Don't think varying fees from county to county would be good. Also want backing from IDEM to help "encourage" compliance with Rule. (Wells)

5g. At which level of participation would you be interested in either continuing or expanding your involvement with the implementation of Rule 5.

Note: Highlighted text are comments provided by those SWCDs that stated that they did not wish to participate in the program.

- To help landowners address resource concerns on their construction sites and provide technical assistance only. (Dubois)
- **Administrative, if needed. (Miami)**
- This depends on the level of assistance we can expect from IDEM. If there are problems can we count on IDEM providing swift regulatory action or will the SWCD be left without recourse? (Owen)

- All providing there is compensation, training and support. (Sullivan)

5h. Will the SWCD be required to hire additional staff to provide this level of assistance?

Note: Highlighted text are comments provided by those SWCDs that stated that they did not wish to participate in the program.

- The SWCDs present staff working on Rule 5 is well qualified and very capable of plan review and inspection. If support funding is secured, the District would revise this individual's job description and then hire an employee to take over workload that was previously done by this other employee. (Allen)
- Depends on level of activity. (Daviess)
- Not at the current moment, but possibly in the future as more development occurs and the program expands to include all Rule 5 areas. (DeKalb)
- Existing staff will have to be upgraded to full time status, because addressing the Rule 5 concerns takes time away from other projects. The SWCD will need to receive reimbursement from IDEM to make this upgrade possible. (Dubois)
- We will have a new Stormwater Coordinator position, effective July 9, who will be the MS4 Operator for the co-permittees and will oversee MS4 programs, particularly public education, public involvement, and construction site runoff. (Elkhart)
- The County will not appropriate funds for a new position. (Fayette)
- Not at this time. (Franklin)
- I would not want to manage a program without having adequate staff to do it right. (Hamilton)
- Current employee does not have knowledge or experience for site evaluations. (Hendricks)
- Yes, if no additional training is available to current staff. (Jackson)
- If workload continues to increase, an Administrative Assistant may be required to assist Technician with paperwork, administrative duties. (Johnson)
- Yes, time considerations, lack of manpower, funding is limited. (Kosciusko)
- We will continue to use the current conservation technician to carry out those responsibilities unless the work load begins to increase. At that time the district would need to evaluate the job responsibilities of the technician position. (LaGrange)
- As long as we continue to get money for the part-time position at full-time. We received additional funding in 2006 to be able to complete the plans. (Lake)
- The SWCD Board would like to hire a part-time staff member to solely deal with Rule 5. (Madison)
- I think the SWCD Board are committed to providing technical assistance i.e. drainage and erosion control assistance, etc. as needed to existing landowners in the county on their individual land units as well as Rule 5 review for City/County government. To meet all these workload items, the SWCD Board will probably need to hire additional staff to help with all the essential tasks the SWCD Board are trying to maintain. (Marion)
- If it's more than we currently do. (Miami)
- Currently seeking funding for position that would be part time dedicated to Rule 5. (Posey)
- There are no county funds available to hire additional staff. (Putnam)

- This is an extremely poor part of the State. The SWCD does not have sufficient funds to accomplish the tasks it is trying to do. If a person is hired to do the Rule 5 work the compensation from the State needs to be large enough to pay that person. The SWCD would probably look at a contractual position. (Sullivan)
- Not at this time. (Tippecanoe)
- At this time, no. If Rule 5 submittals and SWCD involvements continue to expand, then perhaps additional staff would be considered. (Wayne)

5i. Based on the volume of workload, can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload?

- If someone in an adjacent county has a decent amount of work with Rule 5, they should be able to easily add our county to theirs since we have almost no Rule 5 workload. This probably isn't what you were referring to since we don't want to share our staff, but would rather someone else's staff help us (since we really don't know what we are doing with it and don't have much call for it here). (Benton)
- Only if time is available to help with Ripley, Switzerland, and Jefferson. They can bring plan reviews to Dearborn without compensation to Dearborn, but if they want individualized training compensation to Dearborn will be required. (Dearborn)
- Don't know the interest of adjacent counties. What is the point if no one gives a _____ about Rule 5. (Jay)
- If the staff member is only a part-time employee the workload would not permit sharing staff with adjacent SWCDs. However, if the position were full-time sharing with any of the adjacent counties would be feasible. (Madison)
- Believe that with part time technical assistance position can remain in county. (Posey)

6. Is the SWCD interested in working with IDEM on the Rule 5 program?

Note: *Italicized text are comments provided by those SWCDs that stated they were currently participating in the program. These SWCDs were directed to skip item # 6. Their comments have been included below to ensure all issues and concerns are recorded.*

Highlighted text are comments provided by those SWCDs that stated that they did not wish to participate in the program.

- *If funding is secured to cover associated costs. (Allen)*
- *It depends on what would be required and how much new knowledge we have to have. (Benton)*
- *Would also depend on what is required. (Fayette)*
- *We feel there should be some compensation for staff. (Grant)*
- *I would like to see increased input and support from IDEM. Especially on enforcement. (Howard)*
- *Working with IDEM – NOT FOR. (Jay)*
- *We want to see that regulations are followed to control erosion. (Huntington)*
- *The LaGrange District feels it is very important to remain involved in the Rule 5 program as it is a resource concern in the county and we work with county plan commission and plat review committee to address this issue. We are not a regulatory agency and are not*

responsible for the enforcement aspects of Rule 5. In order to continue to be involved with the Rule 5 program we must have back-up support from IDEM when it comes to regulation and enforcement. If we do not receive this kind of support, we will no longer be able to do plan reviews and administration, but will follow the law and receive plans only. (LaGrange)

- I think the SWCD Board feels that helping IDEM is an important part of our overall mission. We are concerned the ISDA Division of Soil Conservation does not share the same sentiment. (Marion)*
- With manpower assistance. (Orange)*
- The SWCD is willing to do the preliminary work, but we would hope for follow through from IDEM for problem sites. (Owen)*
- The SWCD has identified Drainage as the number one priority in the County. The SWCD is applying for a 319 grant to improve water quality in the Busseron Watershed. The Rule 5 program is a necessary part of any water quality project. The SWCD would like to continue working to make Rule 5 and effective program. (Sullivan)*
- Again, to serve as a check and balance for the MS4/City/County projects. (Tippecanoe)*

6a. How would you be willing to help?

- Only if we can get the support needed. (Sullivan)*

6b. Number of technical staff employed by the SWCD.

- 1.5, however the part time staff (0.5) is considering changing her time to less hours. (Marion)*
- Contracted staff member for Rule 5. (Owen)*
- Sullivan SWCD is currently applying for a CWI grant to hire a part time contractual person to do technical assistance work. (Sullivan)*

6c. If the SWCD has staff available, is the SWCD interested in adjusting the position description of the staff member to include Rule 5?

- Other duties would be picked up by a new or different employee. (Allen)*
- We really need two technicians and only have funding for one. Again, since we have so few requests and are kept pretty busy already it would seem to be more prudent to have someone else who knows what they are doing to that type of work here. (Benton)*
- Rule 5 is now being done, but proper training would be appreciated. (Blackford)*
- The position already states that the staff person is responsible for Rule 5 implementation. (Dearborn)*
- If we had staff available, is the SWCD interested in adjusting the position description. (Franklin)*
- If there is some training and compensation. (Grant)*
- ½ portion already includes this description. (Howard)*
- The conservation technician is already involved with Rule 5, but a revised job description needs to be put in place to reflect this change. (LaGrange)*
- Yes as long as we deliver and have a balanced program that addresses all our needs. (Marion)*
- Training will have to be provided in addition to some type of reimbursement for handling Rule 5. (Miami)*

- *The SWCD is willing to do the preliminary work, but we would hope for follow through from IDEM for problem sites. (Owen)*
- *Currently our part time SWCD employee is handling the Rule 5 applications and is interested in adding the Rule 5 duties to her job description. (Putnam)*
- *Only if the person can be compensated for their work and receive adequate training. (Sullivan)*
- *The SWCD would like to serve as a check and balance for the MS4/City/County projects, but has no interest in serving as a regulatory agency to the general public. (Tippecanoe)*
- *Would consider Tech/Educator. (Washington)*

6d. Will participation in this program require the SWCD to hire new staff?

No Comments Provided.

6e. Are you interested in hiring a staff member to assist with this program?

- *Not a full time staff member but we will continue to contract with our Technical Service Provider (TSP) as long as funding is available. Funding of course is always an issue. (Owen)*
- *This would have to be discussed. Currently there is no budget to pay anyone for any help. (Sullivan)*
- *If funding is available. (Washington)*
- *Is part of our part time technician job description. (White)*

6f. Based on the volume of workload; can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload

- *If adequate funding was secured there is more than enough work within Allen County for at least one full time staff, but if funding is limited a shared position with one or neighboring two Districts would be a second choice. (Allen)*
- *Only if time is available to help with Ripley, Switzerland, and Jefferson. They can bring plan reviews to Dearborn without compensation to Dearborn, but if they want individualized training compensation to Dearborn will be required. (Dearborn)*
- *We would have to negotiate. I think we are interested in adjoining counties like Hendricks and/or Hamilton. (Marion)*

7. Do you believe the county would consider funding a position at the SWCD to administer this program at the local level?

- *The county is presently looking at an ordinance that would bring the entire county under Rule 13. If this ordinance changes and only part of the county is subject to Rule 13 it is unlikely the county would support a Rule 5 staff person from the county general fund. They may endorse a state-led effort to establish a user fee. (Allen)*
- *The county appropriated partial funding for what we hoped would be a full-time position to address a broad scope of urban conservation concerns. Lacking additional funding the position is currently part-time and cannot address all our urban concerns. (Bartholomew)*
- *Not a priority and the budget is already strained. (Benton)*
- *I accepted the responsibility to do Rule 5 as part of my present job. Our county could not afford the funding of another position. (Blackford)*

- The county is currently funding a position, however Rule 5 is not their only responsibility. We have initiated discussions with the commissioners and the Area Plan to collect additional fees to help fund this position. (Clinton)
- Not sure on this one. Currently they fund 2.5 positions for the District. My intuition tells me not until it became a requirement for the County. (DeKalb)
- County is not adding staff at this time. (Dubois)
- The county is actually funding 2 positions with the partnership. (Elkhart)
- If the county funded a position they would be working for Planning and Zoning. (Franklin)
- An urban Conservationist is currently paid by the County. Additional employees would need to be fee driven. (Hamilton)
- Budgets are being cut. (Huntington)
- The county would not fund a position exclusively for Rule 5 work because the volume of work does not warrant a position. The county already funds two technical positions for the SWCD. (Knox)
- The County is currently funding a position that spends part of the time administering Rule 5 at the local level. (LaGrange)
- We have already requested additional funding for our part-time person to review the plans and have requested that the part-time person be funded full-time. All based on the required workload with reviewing erosion and sediment control plans. (Lake)
- The county's current financial situation would not permit them to fund a position. (Madison)
- The County might help the SWCD fund such a position. However, I think the City/County government in Marion County might help with the cost but are concerned that, if it is a state requirement, why would the state not fund the position, or at least part of the position. (Marion)
- Working on budget request for position to be ½ Rule 5. (Posey)
- All county departments had their budgets cut for '06 so there is no hope of getting funding to hire another SWCD employee through the county. (Putnam)
- This County is extremely poor and fiscal 2007 brings a \$ 2 million shortage in the budget. There simply are no funds to fund a position. (Sullivan)
- Currently funding part-time. (Tippecanoe)
- Not sure, cutting budgets, our Education position was deleted as of January 1, 2006. (Washington)
- Funding is extremely tight at the county level, funding for a new position would be very unlikely. (Wayne)
- Definitely not – Our county government is against hiring additional staff. (Wells)
- The county currently funds ½ of the contract employee's position. (Whitley)

8. Under which of the following would the SWCD be willing to help administer Rule 5 at the local level:

- Our SWCD is willing to participate in this program without additional funding.**
- Our SWCD is willing to assist only if some form of additional funding, such as fees, can be arranged.**

Note: Highlighted text are comments provided by those SWCDs that stated that they did not wish to participate in the program.

- The District is definitely interested in urban erosion control, Rule 5 being only one of a number of related considerations. We are able, under our current arrangement, to handle Rule 5 workload. We are not satisfied with continuing to do IDEM's work without any means of compensation. (Bartholomew)
- Need to know more about it. Previously done by Resource Specialists so we really don't know much at all about Rule 5. (Benton)
- The Clinton County SWCD Board of Supervisors believe that this is an important function of our agency. However, as all agencies are facing budget cuts it may be necessary to seek funding to support this position by incorporating a fee for the review and subsequent inspections. (Clinton)
- Dearborn is willing to continue as long as the current load on other projects does not take priority. In addition, Dearborn wants IDEM to continue to reimburse Districts and if the fee needs to be raised to do this, raise the fee on permits. Currently most MS4s and Planning and Zoning offices charge a lot more than \$100 for a permit. (Dearborn)
- Our SWCD is willing to participate if in addition to reimbursement for services there is clear authority to work with the program from IDEM, training, and follow thru of enforcement action. (DeKalb)
- We will continue to help the county meet the MS4 requirements. Any funding from the state will strengthen our ability to implement this program and improve our relationship with county government by showing a positive return for their support of the SWCD. (Elkhart)
- Not Real sure how to answer. We are doing it now without funding. I think some sort of additional funding would be nice. (Fayette)
- The word "only" in the above statements is too confining. (Grant)
- We are currently helping to administer Rule 5. Additional responsibilities would be considered on a fee basis. (Hamilton)
- Our SWCD is about to begin charging fees for Rule 5 with the help of the county MS4 ordinance. (Howard)
- Some form of reimbursement should be made to the County SWCD. (Jay)
- There needs to be some form of compensation to the district for administration with this state program. IDEM receives a fee when the NOI is filed and that needs to be shared with the districts as they assume more responsibilities. (LaGrange)
- We have already requested additional funding for our part-time person to review the plans and have requested that the part-time person be funded full-time. All based on the required workload with reviewing erosion and sediment control plans. We would like to be able to get assistance if some form of additional funding, such as fees can be arranged. We could then go to the county and keep our part-time for office help. As it stands now we don't have the staff

to do more than we are doing now. But with additional funding and charges we may be able to help out more. (Lake)

- We need help with the cost of gas, mailings, and postage (Lawrence)
- Our SWCD currently has some local funding available to administer Rule 5. Additional funding would provide security for this position beyond the next 6 months. (Madison)
- Our SWCD is willing to assist in this type of project in the long term, only if some form of additional funding is made available to local SWCDs. I don't think the SWCD Board wants to charge fees (because of the up and down nature and administrative workload of tracking the fees), but would prefer additional state annual funding to support this effort. (Marion)
- Training, additional funding, but not really interested. (Miami)
- We are trying to participate as best we can with our limited funding. It would be ideal if additional funding were made available to assist with Rule 5. (Owen)
- We could only participate if funding were available to support technical assistance needed for Rule 5 program. (Pike)
- IDEM distribute portion of NOI fee to Districts for work done. (Posey)
- Will forward information to Doug Wolf and send out letter if necessary. (Pulaski)
- As a check and balance for MS4/City/County projects. (Tippecanoe)
- We can continue to do plan reviews and on-sites at this time, but as MS4s develop and as budgets tighten, we will have to have extra funding to keep providing services. (Vigo)
- Support of funding. (Washington)
- Participation is and will be limited by the funds available to the SWCD. (Wells)
- Would rather have additional funding, but could do a limited amount of assistance. (White)
- We are looking to contract with Columbia City to administer their program. To help with the cost of the District doing the program. (Whitely)

9. Rank the following options for SWCDs would fund their activities regarding Rule 5.

Note: The numbers in parentheses are how the SWCD ranked the item, with 1 being the highest.

- (1) A local fee collected by the local District, but established by the state that would create a uniform fee assessment across county (District) lines. Attempting to establish a Rule 5 fee by local government to implement a State delegated program like Rule 5 would be very unlikely. (Allen)
- (1) The SWCD has obtained partial funding from the County for the Urban Conservationist. At the current level of funding, this can be only a part time position. We need to secure additional funding from other local entities, grants, etc. to provide a full-time staff person to address urban erosion control throughout the county and, possibly, in cooperation with adjacent counties. So far, we have not been successful in securing the additional funds. (Bartholomew)
- (1) State Funding. (Daviess)
- (1) Dearborn does not want to charge a fee as that changes our status from a technical provider to an enforcement agency. In addition, Dearborn wants IDEM to continue to reimburse districts and if the fee needs to be raised to do this, raise the fee on permits. Currently most MS4's and Planning & Zoning offices charge a lot more than \$100 for a permit. (Dearborn)

- (1) The District wants to be considered a service provider by IDEM for plan review and site assessments, but not regulatory. (Decatur)
- (1) Receipt of administrative documentation associated with receipt of plan. (DeKalb)
- (1) IDEM will fund from permit fees and assessed fines. Other local fees (local plan review and site assessment) would need to be assessed through the establishment of county ordinances and a system of local enforcement activities. (Dubois)
- (1) We will be funding our urban conservation program through the Stormwater Partnership budget which will be funded by a stormwater utility fee charged to all citizens and also through a filing fee on new construction projects. (Elkhart)
- (1) Our technical positions are funded by the county and we have an MOU with the MS4 (Vincennes) which they pay us an annual flat fee for our services. We do not want the administrative headaches of billing and collections. (Knox)
- (1) Other was marked, but did not offer a suggestion. Local fee for plan review marked as 2nd choice and site assessment as 3rd choice. (Kosciusko)
- (1) Instead of a local fee the district needs to receive a portion of the NOI filing fee. We are not sure that the \$100.00 fee currently being charged is adequate to cover both administrative responsibilities at the local level and enforcement responsibilities at the state level. (LaGrange)
- (1) State Funding. (Marion)
- (1) The SWCD currently has a fee schedule in place. It is based on the amount of disturbed acres for industrial and commercial and the number of lots for residential developments. (Madison)
- (1) The District felt these fees ranked the same (plan review and site assessment). (Orange)
- (1) IDEM distribute portion of NOI fee to Districts for work done. (Posey)
- (1) Not enough to warrant a position. We only have about one plan per year. (Pulaski)
- (1) We can continue to do plan reviews and on-sites at this time, but as MS4s develop and as budgets tighten, we will have to have extra funding to keep providing services. (Vigo)
- (1) State level of funding. Is IDEM willing to compensate Districts to do the work – Districts not regulatory. (Washington)
- (3) Funding from state or other sources. (Clinton)
- (3) Package deal (Review' Assessment, Paperwork, etc.). (Jennings)
- (3) Clerical. (Lawrence)
- (3) IDEM Budget line item for an annual amount to cover this program/Annual budgeted amount to cover expenses. (Putnam)
- (3) Administrative. (Randolph)
- (3) Fees (Fines?) to be charged for additional on-site compliance inspections and consultations due to valid public complaints of the site. (Wayne)
- (3) Fees for revisions would help encourage complete plans the first time. (Wells)
- (3) Or some type of fee return from the state for each plan we do. (Whitley)
- (Ranked Equally) Local fees for plan review and site assessment should be considered. (Hamilton)
- (Comment Only, Did Not Rank) We believe that the County is moving to include the entire county as an MS4. We believe that, in the next few years all site evaluations, plan reviews, and administration will be conducted through the county surveyor's office and funded through fees perhaps a stormwater utility. (Hendricks)

- (Both marked equally with a statement) Setting fees will have to be a cooperative effort. It is difficult to impose any fees on anyone in the County. (Sullivan)

10. Please check the items below that are important for IDEM to provide to an SWCD that is participating in the implementation of Rule 5 (you may check more than one).

- Consistent and timely enforcement of violators. (Allen)
- I have only had one training session on plan review. I feel I need more training in the other areas. (Blackford)
- All of the above. We have a contracted person at this time. I can't add this to my position. We need help to continue this in Brown County. (Brown)
- Additional local enforcement authority. (Clark)
- The SWCD feels that is important that IDEM provide training for staff and contractors for the Rule 5 program for it to be an effective program in controlling erosion and sediment. It is also important for IDEM to be the regulatory authority for non-compliance and enforcement. We do not want to be involved in that at the local level. (Clinton)
- Would need the items above if we had a technician. (Daviess)
- The Decatur County SWCD does not want to be in the regulatory or enforcement role for the implementation of 327IAC15-5 (Rule 5). (Decatur)
- Provide contact information for IDEM personnel to visit developing sites and handle enforcement issues. (Dubois)
- A certification program for the "trained individual" who is to fulfill the monitoring and maintenance requirements of Rule 5 for the project site owner and (2) an updated technical manual (I know this is being developed). (Elkhart)
- Provide guidance for a software permit system. (Hamilton)
- Provide electronic notebooks and digital cameras. (Hamilton)
- Good training is needed for all of the participants in this program. (Hamilton)
- Enforcement. (Kosciusko)
- Reasonable state funding to help SWCD's meet this responsibility. (Marion)
- IDEM contact person will handle county specific questions in a timely manner. (Putnam)
- I would like to say that the day I spent with Doug Wolf in the field was very enlightening. He was very patient with me and I appreciated his help. (Sullivan)
- Funding and all of the above. (Washington)
- Additional training would be beneficial. (Wayne)
- Training for engineers and others preparing the plans. (Wells)

11. The questions above may not have covered all issues that are important to you. Please provide any additional comments.

Note: Highlighted text are comments provided by those SWCDs that stated that they did not wish to participate in the program.

- The District and Plan Commission Office wish to continue, but a position and money are not an option at this time. (Brown)
- Need a technician on staff to be able to implement Rule 5. (Daviess)
- What is IDEM's program? If IDEM had their way what would you like to see the program look like? It seems like you are waiting to base your program on what Districts are willing to

provide, District personnel and Boards change. With a well designed program the people can change and the integrity of the program remain. Perhaps MS4 folks could even plug into the system for implementing their programs. (Dekalb)

- The Dubois SWCD Supervisors and staff are very concerned about the soil loss from Rule 5 sites and the sedimentation on our roads and draining to our waters. For years, IDEM's enforcement activities associated with Rule 5 has been very slow and ineffective. The Dubois County SWCD would like to establish a role of providing technical assistance to local developers and contractors on these developing sites, with all regulatory responsibilities to be IDEMs. These regulatory responsibilities will include review of erosion control plans as they are submitted, routine site inspections, and any needed enforcement activities on the sites. The SWCD supervisors would like to see the SWCD compensated for staff time spent on Rule 5 activities. (Dubois)
- The DNR Stormwater Specialist position is greatly missed. That person provided much of the support listed in question # 10 above. We are very interested in a partnership with IDEM to continue to provide coordinated urban conservation assistance to all citizens of Elkhart County. (Elkhart)
- It appears that IDEM is trying to remove it's self from Rule 5 responsibilities. Why? When Indiana has a Governor who is highly interested in agriculture and the environment and the economic future of Indiana. (Franklin)
- At the present the SWCD is sending out the form letter for projects, we feel we can do noting else due to lack of training. (Grant)
- The Henry County SWCD has only one employee that is administrative. We do not have the man power or knowledge to perform onsite evaluations or review plans. No formal training has been made available to the SWCDs. As a district we feel that storm water issues (Rule 5) are important and we are willing to discuss the Henry County SWCD role in Rule 5. Such as educating builders and homeowners through organizations such as the Home Builders Association and participate in mailings. (Henry)
- It appears the State has no interest in requiring Rule 5 plans for construction sites especially with regards to Confined Feeding Operations. If they did, a Rule 5 plan sign off, either completed or waived, would be a required component of the CFO or CAFO plan submitted to IDEM CFO Permitting Division under 327 IAC 16-7. (Jay)
- The Rule 5 plans reviewed recently by District Staff, appear to be "cookie cutter" and the preparers are not visiting the sites. We have seen plans that stated the site was cropland when it was recently (last 2 years) cleared woods. There are no tile drain sizes shown on the plot and no elevations given to determine if the seasonal high water table can be lowered as required in Rule 8. (Jay)
- Final comment – there does not appear to be any consequences for not filing a Rule 5 Plan. The new confined feeding buildings (2,400-4000 head) can be completed in 406 weeks. By the time Stormwater gets around to checking – the building is done! (Jay)
- Currently, the funds being used to administer Rule 5 programs are diminishing rapidly and will need to be supplemented in the future or Rule 5 activities will no longer be able to be administered by SWCD in this county. (Johnson)
- The LaGrange County Soil and Water Conservation District has been involved with this program since the inception. As a district, the board of supervisors has determined that Rule 5 addresses a significant soil and water resource concern and therefore since the district is the local entity responsible for these resources, it is our obligation to remain involved in the program. The district has never been a regulatory agency and do not want to become known

as one. The district has worked very hard throughout the years to build a positive working relationship on a voluntary basis with local landowners in addressing resource concerns and that needs to continue. (LaGrange)

- In order to remain involved in Rule 5 we must have active and timely support from IDEM in carrying out their enforcement responsibility of this program. Contractors now realize that even if they file a plan and that plan is reviewed and approved by the district, there will be no, or very little. Subsequent activity to assure that the practical aspects of the plan are carried out. A timely response and enforcement are critical to insure contractors follow the plans as written in order to actually protect the soil and water resources that Rule 5 was designed to do. Right now the district feels like their hands are tied, when it comes to follow up and the support that is available from IDEM if there is a non-compliance issue. (LaGrange)
- In order for the district to remain involved in Rule 5 activities there needs to be a cooperative agreement developed between the LaGrange Co. SWCD and IDEM very specifically outlining the responsibilities of both agencies. A form of compensation, included in the cooperative agreement, should be formulated between the district and IDEM. There should be a timeline established for this reimbursement to take place. If a cooperative agreement can not be agreed to by both parties, then the district has no choice but to revert to the letter of the law and restrict its activities to simply receiving and filing plans. (LaGrange)
- This is not a decision that the LaGrange County Soil and Water Conservation District Board of Supervisors makes lightly or without serious deliberation. It is important to the board that Rule 5 activities continue to be carried out in the county, but it can not happen without the support of IDEM, who is the state agency ultimately responsible for Rule 5 enforcement. (LaGrange)
- It all depends on funding. We could be more involved if fees could be charged to hire additional help. As it stands now we have a part-time person who already spends half of their time reviewing plans, contacting persons not completing plans according to ABC, and completion of the report. (Lake)
- We feel land stewardship is important and feel since landfill inspection is a state requirement, state funding should be provided to assist the SWCD meet this required support. (Marion)
- Workload in the county does not justify hiring more personnel since IDEM now has more on their staff. (Montgomery)
- Our district only assists with mailings at this time. If we were to participate or work with Rule 5 program there would have to be funding available to support technical staff for carrying out the necessary workload. (Pike)
- Determination of noncompliance and possible resulting fines should be the responsibility of IDEM. (Posey)
- How much longer will the SWCD continue to be expected to be the responsible party to carry out the Rule 5 program without any training, funding, or assistance from IDEM? (Putnam)
- After you have reviewed these surveys will the information be made public for review from SWCDs or will we just be charged with the responsibility of doing the work without training, funding, assistance and personnel? (Putnam)
- We do not have the training or the manpower to do Rule 5. (Warrick)
- With local assistance it has proven beneficial; you could see results – road cleaner-ditches and culverts not filled up with sediment. (Washington)
- The Wayne County SWCD recognizes the importance of Rule 5 issues and is willing to work with IDEM on continued implementation. However, the issues of funding and reimbursement

must be addressed and finalized by IDEM in order for the SWCD to plan for future budgets. (Wayne)

- Currently some counties are participating in the implementation of Rule 5, and some are not. It makes it difficult for the counties that are participating when developers say, “I don’t have to do this in (blank) County”. The program needs to be consistent across the state, county to county. The fees charged for implementing Rule 5 needs to be consistent across the state, county to county. (Wells)
- We are concerned about how effective the program is going to be if the program is being done differently in each county. We would like to see the informational flyers and forms for review and inspection updated to reflect changes that have been made and will be made in the future. (Whitley)
- We are concerned with enforcement of the plan in areas other than MS4 areas. Because of the long process of enforcement, a number of the projected are completed before anything is done if the develop/contractor is unwilling to cooperate. (Whitley)
- We think this is an important program to protect our natural resources, but to be effective it needs to be done uniform and consistent around the state. We are willing to do our part to make it work within the budget limitations our budget will allow. (Whitley)

E-Mail Sent to Soil and Water Conservation Districts

Dear Soil and Water District Representative:

Re: Survey to Identify the SWCD Role
in the Implementation of Rule 5

Over the last year, IDEM, along with Indiana's other state agencies, has been evaluating how programs are implemented to better align them with agency priorities and adjust to the reality of declining limited resources. As a part of this effort, the storm water program regulating construction site runoff (commonly known as Rule 5) has been evaluated and changed. IDEM is now the lead state agency for implementing Rule 5. Additionally, the state resources available to implement Rule 5 have been reduced.

One important result of these changes is that, in the future, the state will no longer be able to supply limited funding to SWCDs to assist with Rule 5 implementation. However, IDEM understands that, at least in the past, there were, in some counties, some local SWCD resources dedicated to assisting in the implementation of Rule 5. Currently, IDEM is assessing all available resources and options to implement the Rule 5 program. As a part of this effort, we are requesting SWCD assistance to get a better understanding of the current and continued SWCD involvement and interest in the Rule 5 program. We have developed the attached survey to collect information from each SWCD. We have tried to make the survey simple with hopes it will not demand too much of your time. Your participation in this survey is appreciated.

Because your input matters, please complete return the survey no later than June 30, 2006. Please send all responses to Randy Braun, Storm Water Program Manager at rbraun@idem.in.gov or fax information to Randy's attention at 317-232-8637. If you have questions regarding the survey or other issues associated with Rule 5 you may e-mail or call Randy at 317-234-3980.

Martha Clark Mettler
Deputy Assistant Commissioner
Office of Water Quality
Indiana Department of Environmental Management
(317)232-8402

SURVEY
Identifying the SWCD Role in the
Implementation of 327 IAC 15-5 (Rule 5)

IDEM is assessing available resources and options to implement the Rule 5 program. As a part of this effort, we are trying to get a better understanding of the current and continued SWCD involvement and interest in the Rule 5 program. Your participation in this survey is appreciated. Please take a few minutes to answer the questions below.

Each question below should be answered to reflect both the participation level of the SWCD and participation by employees of the SWCD.

Contact Information

_____ County Soil and Water Conservation District

SWCD Staff Contact: _____

Phone: _____

E-Mail: _____

1. Has the SWCD identified storm water runoff associated with construction activities as an important natural resource issue in your county?
☐ Yes ☐ No
2. IDEM has designated cities and counties as Municipal Separate Storm Sewer Systems (MS4s) throughout Indiana. These designated MS4 entities are required to develop local storm water programs.
 - 2a. Does your county contain an MS4?
☐ Yes ☐ No ☐ Don't Know
 - 2b. If Yes, Are you participating in the local MS4 program?
☐ Yes ☐ No
If Yes, Describe:
3. Check one item below:
☐ Yes, our SWCD is interested in discussing our future role in the implementation of Rule 5.
☐ No, our SWCD does not wish to participate in the Rule 5 program (*Skip Items # 4 through 10 and proceed to Item # 11 and 12*).
4. Is the SWCD currently participating in the implementation of Rule 5?
☐ Yes (*Continue with item # 5 and then proceed to items, 7, 8, 9, 10, 11 and 12*)
☐ No (*Proceed to item # 6, 7, 8, 9, 10, 11, and 12*)

5. Please answer the following questions related to Rule 5 activities:

5a. Indicate the current level of participation by checking the appropriate boxes (*check more than one if applicable*):

☐ Plan Review ☐ Site Evaluation ☐ Administrative (mailings, etc.)

5b. Staff time currently performing these activities:

- Technical (plan review or site evaluation): _____ (*example: one employee-half time*)
- Administrative (mailings, etc.): _____ (*example: one employee-half time*)

5c. How long has the SWCD provided assistance in the implementation of Rule 5: _____ Years

- Technical (plan review or site evaluation): _____ Years
- Administrative (mailings, etc.): _____ Years

5d. Was the employee originally hired to do Rule 5?

☐ Yes ☐ No

Explain: _____

5e. Have you changed responsibilities of a position to meet the demands of the Rule 5 workload?

☐ Yes ☐ No

Explain: _____

5f. Are you willing to continue to utilize the SWCD staff to carry out this program at the local level?

☐ Yes ☐ No

Explain: _____

5g. At which level of participation would you be interested in either continuing or expanding your involvement with the implementation of Rule 5 (Check all applicable items).

☐ Plan Review ☐ Site Evaluation ☐ Administrative (mailings, etc.)

5h. Will the SWCD be required to hire additional staff to provide this level of assistance?

☐ Yes ☐ No

Explain: _____

5i. Based on the volume of workload, can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload? ☐ Yes ☐ No

Name the county (ies): _____

Proceed to items, 7, 8, 9, 10, 11 and 12

6. Is the SWCD interested in working with IDEM on the Rule 5 program?

☐ Yes ☐ No

Explain: _____

6a. How would you be willing to help? (check more than one if applicable)

☐ Plan Review ☐ Site Evaluation ☐ Administrative (mailings, etc.)

6b. Number of technical staff employed by the SWCD. _____

6c. If the SWCD has staff available, is the SWCD interested in adjusting the position description of the staff member to include Rule 5? ☐ Yes ☐ No

Explain: _____

6d. Will participation in this program require the SWCD to hire new staff?

☐ Yes ☐ No

6e. Are you interested in hiring a staff member to assist with this program?

☐ Yes ☐ No

6f. Based on the volume of workload; can you foresee sharing technical staff with adjacent SWCDs to address the Rule 5 workload? ☐ Yes ☐ No

Name the county (ies): _____

7. Do you believe the county would consider funding a position at the SWCD to administer this program at the local level?

☐ Yes ☐ No ☐ The County is currently funding a position

Explain: _____

8. Under which of the following would the SWCD be willing to help administer Rule 5 at the local level:

☐ Our SWCD is willing to participate in this program without additional funding.

☐ Our SWCD is willing to assist only if some form of additional funding, such as fees, can be arranged.

☐ Other (Explain): _____

9. Please rank the following options for SWCDs would fund their activities regarding Rule 5. Please rank the following items from 1-3, with 1 being your first choice.

_____ Local fee for plan review

_____ Local fee for site assessment

_____ Other (Explain): _____

10. Please check the items below that are important for IDEM to provide to an SWCD that is participating in the implementation of Rule 5 (you may check more than one).

- ☐ Training on Plan Review
- ☐ Training on Site Evaluation
- ☐ Technical Assistance to Assess Difficult Projects
- ☐ Establishment of policy and procedures to implement the program
- ☐ Assistance with Non-Compliance Issues (non-compliance letters/notification)
- ☐ Process Enforcement Referrals
- ☐ Training for Construction Industry Personnel
- ☐ Other (Explain): _____

11. The questions above may not have covered all issues that are important to you. Please provide any additional comments.

Comments: _____

12. Upon completion of this survey, please send all responses by June 30, 2006 to: Randy Braun, Storm Water Program Manager at rbraun@idem.in.gov or fax information to Randy's attention at 317-232-8637. If you have questions concerning the survey please direct them to Randy Braun through e-mail or by calling 317-234-3980.